

09/689615

COFC



PATENT  
Customer No. 22,852  
Attorney Docket No. 04350.0012-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent No.: 6,953,127 )  
Inventors: Richard A. ESSER et al. )  
Issue Date.: October 11, 2005 )  
For: RAPID DEPLOY HAZMAT )  
CONTAINMENT DEVICE )

Certificate  
FEB 08 2006  
of Correction

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**RENEWED REQUEST FOR CERTIFICATE OF CORRECTION**

Pursuant to 35 U.S.C. § 254, and 37 C.F.R. § 1.322, this is a renewed request for a Certificate of Correction in the above-identified patent. As stated in the Request for Certificate of Correction filed in the U.S. Patent and Trademark Office ("PTO") on December 12, 2005, the mistakes identified in the appended PTO Form 1050 occurred through the fault of the Patent Office. Recently, however, Applicants received a January 5, 2006 Notice from the PTO denying Applicants' request. A copy of the January 5<sup>th</sup> Notice is enclosed for reference purposes.

Applicants filed a Petition to Correct Inventorship on July 16, 2003, requesting that Mr. Chad Sample be added as an inventor in the then pending application. In response, the PTO accepted the inventorship correction in an August 19, 2005 Decision Granting Petition. Issued U.S. Patent No. 6,953,127 does not, however, identify Mr. Sample as a named inventor. The enclosed January 5<sup>th</sup> Notice does not address this

FEB 13 2006

error nor does the Notice mention any decision by the PTO's to correct it. Copies of the as filed Petition and the PTO's Decision Granting Petition are enclosed for reference purposes.

In addition, Applicants included a complete and accurate claim listing in an Appendix of the Supplemental Appeal Brief filed on March 1, 2004. The listing included all of the claims pending in this case as of March 1, 2004. The version of claim 1 listed in the as filed Appendix recites, among other things, a rapid deploy containment device comprising rods, hubs, each end portion being rotatable about its axis of revolution, and a canopy connected to at least two hubs. The version of claim 1 recited in U.S. Patent No. 6,953,127 (both at page 1 and at column 6, lines 17-41) does not, however, match the version of claim 1 listed in the as filed Appendix. Thus, contrary to statement in the PTO's January 5<sup>th</sup> Notice, claim 1 of issued U.S. Patent No. 6,953,127 is not printed in accordance with the record. A copy of the as filed Appendix is enclosed for reference purposes.

Two (2) copies of PTO Form 1050 are also appended. The complete Certificate of Correction involves one (1) page. Issuance of the Certificate of Correction containing the corrections is once again earnestly requested. In addition, Applicants respectfully request that representatives from the Decisions & Certificates of Correction Branch contact the undersigned if any further information or clarification is needed. The undersigned can be reached by phone at 202.408.4187.

Customer No. 22,852  
Attorney Docket No. 04350.0012-00000  
U.S. Patent No. 6,953,127

Please charge any required fees not included herewith to our deposit account  
06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: February 3, 2006

By: 

Dominic P. Ciminello  
Reg. No. 54,038

UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO. 6,953,127 B1

DATED: October 11, 2005

INVENTORS: Richard A. Esser et al.

It is hereby certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On page 1, the names listed under the heading "Inventor" should read "Richard A. Esser, Glenn Dale, MD (US); Chad Sample, Glenn Dale, MD (US)"

Beginning at col. 6, line 17, Claim 1 should read:

"A rapid deploy containment device adapted to receive and retain hazardous waste, the containment device being convertible between an erect open configuration and a collapsed compact configuration, the containment device in the erect open configuration forming a receptacle region, the containment device comprising:

rods, each rod being pivotally joined to another rod by a scissors connection intermediate the ends of said rod;

hubs, each hub receiving an end portion of at least two rods along separate axes of each hub, the end portion being pivotally joined to said hub, where the end portion pivots in relation to said hub along a single axis of revolution, each end portion pivoting along separate axes of revolution in relation to said hub,

each end portion being rotatable about its axis of revolution from the collapsed compact configuration, where all of said rods are substantially parallel to one another, to the erect open configuration, the containment device articulating along three axes, whereby the containment device changes between the compact and open configurations in height, length and width; and

a canopy connected to at least two hubs and residing in the receptacle region of the erect open containment device."

MAILING ADDRESS OF SENDER

Patent No. 6,953,127

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
901 New York Avenue, N.W.  
Washington, D.C. 20001-4413

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UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION

PATENT NO. 6,953,127 B1

DATED: October 11, 2005

INVENTORS: Richard A. Esser et al.

It is hereby certified that errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On page 1, the names listed under the heading "Inventor" should read "Richard A. Esser, Glenn Dale, MD (US); Chad Sample, Glenn Dale, MD (US)"

Beginning at col. 6, line 17, Claim 1 should read:

"A rapid deploy containment device adapted to receive and retain hazardous waste, the containment device being convertible between an erect open configuration and a collapsed compact configuration, the containment device in the erect open configuration forming a receptacle region, the containment device comprising:

rods, each rod being pivotally joined to another rod by a scissors connection intermediate the ends of said rod;

hubs, each hub receiving an end portion of at least two rods along separate axes of each hub, the end portion being pivotally joined to said hub, where the end portion pivots in relation to said hub along a single axis of revolution, each end portion pivoting along separate axes of revolution in relation to said hub,

each end portion being rotatable about its axis of revolution from the collapsed compact configuration, where all of said rods are substantially parallel to one another, to the erect open configuration, the containment device articulating along three axes, whereby the containment device changes between the compact and open configurations in height, length and width; and

a canopy connected to at least two hubs and residing in the receptacle region of the erect open containment device."

MAILING ADDRESS OF SENDER

Patent No. 6,953,127

Finnegan, Henderson, Farabow,  
Garrett & Dunner, L.L.P.  
901 New York Avenue, N.W.  
Washington, D.C. 20001-4413

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Patent and Trademark Office  
ASSISTANT SECRETARY OF COMMERCE AND  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, DC 20231

1/5/06

Patent No. : 6953127  
Inventor(s) : Richard A. Esser et al.  
Issued : 10/11/05  
Title : IMPROVED CEILING HINGE ASSEMBLY  
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals that on page 1 & col. 6 line 17 claim 1 is printed in accordance with the record. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall  
Cecelia Newman  
Decisions & Certificates  
of Correction Branch  
(703) 308-9390 Ext. 108

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.  
901 NEW YORK AVENUE, N.W.  
WASHINGTON, DC 20001-4413

HR/CB

RECEIVED

JAN 13 2006

FINNEGAN HENDERSON, FARABOW,  
GARRET, AND DUNNER, LLP

1/13/06  
d



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[www.uspto.gov](http://www.uspto.gov)

hjm-ph DPL

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,615	10/13/2000	Richard A. Esser	04350.0012-00000	8050
22852	7590	08/19/2005		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				EXAMINER CASTELLANO, STEPHEN J
				ART UNIT 3727 PAPER NUMBER

AUG 22 2005

DATE MAILED: 08/19/2005

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP

Please find below and/or attached an Office communication concerning this application or proceeding.

Dh  
8-22-05  
B



UNITED STATES DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office  
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P.O. Box 1450  
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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091689-615

EXAMINER

ART UNIT      PAPER

81705

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

  
Stephen J. Castellano  
Primary Examiner  
Art Unit: 3727



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

*In re* ESSER, RICHARD A.

Appl No.: 09/689,615

Filed: October 13, 2000

For: Rapid Deploy Hazmat Containment Device

**DECISION GRANTING  
PETITION  
37 CFR 1.48**

This is a decision on the petition filed July 16, 2003 to correct inventorship under 37 CFR 1.48.

The petition is granted.

The patented file is being forwarded to Technology Center 3700 for correction in the PALM database.

Stephen J. Castellano

Primary Examiner

Art Unit 3727

Technology Center 3700

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP

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## APPENDIX - CLAIMS ON APPEAL

1. A rapid deploy containment device adapted to receive and retain hazardous waste, the containment device being convertible between an erect open configuration and a collapsed compact configuration, the containment device in the erect open configuration forming a receptacle region, the containment device comprising:

rods, each rod being pivotally joined to another rod by a scissors connection intermediate the ends of said rod;

hubs, each hub receiving an end portion of at least two rods along separate axes of each hub, the end portion being pivotally joined to said hub, where the end portion pivots in relation to said hub along a single axis of revolution, each end portion pivoting along separate axes of revolution in relation to said hub,

each end portion being rotatable about its axis of revolution from the collapsed compact configuration, where all of said rods are substantially parallel to one another, to the erect open configuration, the containment device articulating along three axes, whereby the containment device changes between the compact and open configurations in height, length and width; and

a canopy connected to at least two hubs and residing in the receptacle region of the erect open containment device.

2. The containment device recited in claim 1, wherein each of said hubs includes flanges, where at least two of the flanges receive the end portion of said rods.

3. The containment device recited in claim 2, wherein the end portion of each of said rods is pivotally jointed to one of said flanges by a pin inserted through the end portion of said rod and received on said flange.
4. The containment device recited in claim 2, wherein the at least two flanges lay substantially perpendicular to one another, whereby each of said hubs receives rods along a first axis and a second axis perpendicular to the first axis.
5. The containment device recited in claim 4, wherein the ends of said substantially perpendicular flanges bend at right angles in either a clockwise or counterclockwise direction.
6. The containment device recited in claim 5, wherein the end portion of each of said rods is pivotally joined to a hub by a pin inserted through the end portion of said rod and received on two opposing flanges.
7. The containment device recited in claim 1, wherein each of said hubs includes a base portion, the end portion of each of said rods being pivotally joined to said base portion by a pin inserted through the end portion of said rods and received on said base portion.
8. The containment device recited in claim 2, wherein said hub includes a base portion, where the at least two flanges project from said base portion.

9. The containment device recited in claim 1, wherein each rod is of substantially equal length and wherein said scissor connection is proximate the middle of each rod.

13. The containment device recited in claim 1, further comprising a liner positioned in the receptacle region adjacent said canopy, said liner being made of a material resistive to hazardous chemicals.

20. A rapid deploy containment device adapted to receive and retain hazardous waste, the containment device being convertible between an erect open configuration and a collapsed compact configuration, the containment device comprising:

rods, each rod being pivotally joined to another rod by a scissors connection intermediate the ends of said rod;

hubs, each hub receiving an end portion of at least two rods along separate axes of each hub, the end portion being pivotally joined to said hub, where the end portion pivots in relation to said hub along a single axis of revolution,

each end portion being rotatable about its axis of revolution from the collapsed compact configuration, where all of said rods are substantially parallel to one another and where said hubs are positioned adjacent one another at each end portion of the collapsed compact configuration, to the open erect configuration, wherein the hubs positioned proximate a top portion of the collapsed compact configuration descend downward toward a bottom portion of the containment device when converting from the

collapsed compact configuration to the erect open configuration and wherein the containment device articulates between the collapsed compact configuration and the erect open configuration in height, length, and width; and

a canopy affixed to at least two hubs proximate the top portion of the containment device in the open erect configuration to form the receptacle region capable of receiving and retaining hazardous chemicals.

21. The containment device recited in claim 1, wherein the canopy is made of a material resistive to hazardous chemicals.

29. A portable containment device comprising:  
a frame movable between a closed configuration, in which the frame delimits a negligible area, and an open configuration, in which the frame forms a plurality of walls defining a central space, wherein the frame comprises:

a plurality of rods, each rod comprising a first end, a second end, and an intermediate portion, wherein the intermediate portion of each rod is pivotably connected to the intermediate portion of another rod;

a plurality of first hubs, each first hub receiving first ends of at least two respective rods, wherein each respective rod is pivotable with respect to the first hub about a distinct axis; and

a plurality of second hubs configured to engage a support surface, each second hub receiving second ends of at least two respective rods, wherein each respective rod is pivotable with respect to the second hub about a distinct axis; and

a receptacle comprising a plurality of attachment portions secured to respective first hubs, wherein the receptacle collapses when the frame is in the closed configuration and the receptacle forms a containment volume in the central space when the frame is in the open configuration.

30. The device of claim 29, wherein the frame defines a length, a width, and a height and wherein the length, the width, and the height of the frame in the closed configuration are different from the length, the width, and the height of the frame in the open configuration.

31. The device of claim 30, wherein the length and the width of the frame in the closed configuration are less than the length and the width of the frame in the open configuration.

32. The device of claim 30, wherein the height of the frame in the closed configuration is greater than the height of the frame in the open configuration.

33. The device of claim 29, wherein at least one rod received by a first hub is pivotable about a first axis and wherein at least one other rod received by the first hub is pivotable about a second axis substantially perpendicular to the first axis.

34. The device of claim 29, wherein at least one rod received by a second hub is pivotable about a third axis and wherein at least one other rod received by the second hub is pivotable about a fourth axis substantially perpendicular to the third axis.



PATENT  
Customer No. 22,852  
Attorney Docket No. 04350.0012-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Richard A. ESSER

Application No.: 09/689,615

Filed: October 13, 2000

For: RAPID DEPLOY HAZMAT  
CONTAINMENT DEVICE

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**Mail Stop Petitions**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)**

Applicant hereby petitions to amend inventorship pursuant to 37 C.F.R. § 1.48(a).

Applicant respectfully requests that the following named inventor be added to the instant application: Chad SAMPLE, as noted in the Declaration filed herewith. Mr. Sample's name was inadvertently omitted from the previously filed documents in the instant application without deceptive intention on his or Applicant's part.

In accordance with 37 C.F.R. § 1.48(a), the following are being filed herewith:

(1) a declaration from the person being added as an inventor that the error in inventorship occurred without deceptive intent on his part; (2) a declaration by the added inventor as required by 37 C.F.R. § 1.63; and (3) the \$130.00 fee set forth in 37 C.F.R. § 1.17(i).

FINNEGAN  
HENDERSON  
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DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com

If there are any other fees due in connection with the filing of this Petition, please charge the fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 16, 2003

By: Christopher H. Kirkman  
Christopher H. Kirkman  
Reg. No. 46,223

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